### DOCKET FILE COPY ORIGINAL Mississippi Public Service Commission

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BO ROBINSON VICE-CHAIRMAN HAMILTON THIRD DISTRICT

NIELSEN COCHRAN COMMISSIONER JACKSON FIRST DISTRICT

OFFICE OF MOTOR CARRIERS

OSCAR L. MORGAN, MAJOR OFFICE OF MOTOR CARRIERS

WILLIE E MAY COLONEL

**BRIAN U RAY** EXECUTIVE SECRETARY (601) 961-5400

RECEIVED & INSPECTED AVID L CAMPBELL, ATTORNEY

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FCC - MAILROOM

September 29, 2003

Mailene II Dortch Office of the Secretary Federal Communications Commission 445-12th Street, SW. Room TW-A306 Washington, D.C. 20554

Re CC Docket No. 96-45, No. 99-306, October 1st Certification Deadline for Non-Rural Carriers

Dear Ms. Dortch.

Pursuant to 47 C F R § 54 313, The Mississippi Public Service Commission ("MPSC") files its required certification for the year 2004 for NPCR, Inc. d/b/a/ Nextel Partners.

In accordance with the Federal Communications Commission's (FCC") requirements in Federal/State Joint Board on Universal Service, Ninth Report and Order, Eighteenth Order on Reconsideration, CC Docket No. 96-45, FCC 99-306, the MPSC certifies that Nextel's proposed use of federal universal service highcost support for the year 2004 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Telecommunications Act of 1996

Attached is a copy of the Commission's orders in its Docket No. 2003-UA-0256

Enclosed is a stamped addressed envelope and an additional copy of this letter for you to use in forwarding a stamped filed copy of this correspondence. Thank you for your assistance in this matter

In accordance with the FCC's mandate thus certification letter is also being sent to Irene Flannery, Universal Service Administrative Company

Sincerely,

Michael Callahan, Chairman

Bo Robinson, Vice-Chairman

Nielsen Cochian, Commissioner

Luclosure

Irene Flannery

#### BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

APPLICATION OF NPCR, INC d/b/a NEXTEL PARTNERS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER UNDER 47 U S C § 214(e)(2) DOCKET NO 03-UA-0256

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#### ORDER

THIS DAY, there came on for consideration by the Mississippi Public Service Commission ("Commission") the Application of NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners") for designation as a carrier eligible for federal universal service support pursuant to Section 214(e) of the Telecommunications Act of 1996 ("TA96"). The Commission, being fully apprised in the premises and having considered the documents, responses of Nextel Partners to discovery requests submitted by the Mississippi Public Utilities Staff ("MPUS"), and the record before it, as authorized by law and upon recommendation of the MPUS, finds as follows, to-wit:

- 1. On April 17, 2003, Nextel Partners filed with the Commission its Application pursuant to Section 214(e) of the Telecommunications Act of 1996 and Federal Communications Commission ("FCC") Rules 47 C F R §§ 54 201 through 54 207, requesting designation as an Eligible Telecommunications Carrier ("ETC") for its current service area which includes the State of Mississippi (the "designated service area")
- The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest
- Due and proper notice of the Application was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure
- 4 BellSouth Telecommunications, Inc ("BellSouth") intervened and became a party of record in this matter

- 5 Nextel Partners provides wireless telecommunications services throughout certain designated areas of the State of Mississippi pursuant to licenses issued by the FCC
- Pursuant to 47 U S C § 214(e) and FCC Rule 47 C.F.R § 54.201, to qualify under federal law as a telecommunications carrier eligible for universal service funding, carriers must satisfy certain requirements or qualify for a waiver of those requirements. An ETC must offer the following services
  - a Voice grade access to the public switched network;
  - b Access to free of charge "local usage" defined as an amount of minutes of use of exchange service,
  - c Dual tone multi-frequency signaling or its functional equivalent;
  - d Single-party service or its functional equivalent;
  - e Access to emergency services,
  - f Access to operator services,
  - g Access to directory assistance,
  - h. Access to interexchange services,
  - Toll limitations services for qualifying low-income customers.
- Qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated as an ETC. Nextel Partners satisfies these requirements and shall continue to comply with each of these provisions regarding service provision and offerings

- Nextel Partners will implement a program to advertise the availability of the above-referenced services and related charges using media of general distribution in its certificated service area as required by Section 254(e)(1)(B) of TA96 and Section 54 201(d)(2) of the FCC's Rules
- The Commission finds that Nextel Partners is capable of providing the services required for ETC designation and is capable of providing such services with an adequate degree of quality
- The Commission finds that Nextel Partners has committed to serve all subscribers upon request in its designated service area. Nextel Partners has committed to provide service either through its own facilities or a combination of its own facilities and resale.
- Nextel Partners has not requested ETC designation for the exchanges of small rural carriers (independent telephone companies)
- The Commission finds that an ETC designation to Nextel Partners can at a future time be modified or changed by subsequent Order of this Commission.
- The Commission finds that ETC designation cannot be granted solely based on resale. Therefore, the Commission finds that Nextel Partners shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.
- Nextel Partners shall also offer Lifeline and Linkup services pursuant to Nextel Partners' Lifeline and Linkup tariffs which were filed with this Commission on July 17, 2003 in this Docket

The Commission, having jurisdiction of the parties and the subject matter, and having considered Nextel Partners' Application and the evidence in support thereof, finds that Nextel

Partners is entitled to be granted designation as an eligible telecommunications carrier throughout its designated service area in Mississippi based on timely complying with all conditions expressed in this Order

### IT IS, THEREFORE, ORDERED

- Nextel Partners is designated an Eligible Telecommunications Carrier in the State of Mississippi in the non-rural Designated Areas listed in Attachment 1 hereto. Nextel Partners shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.
- This Commission retains continuing jurisdiction to review, modify, or revoke its designation of Nextel Partners as an ETC. Nextel Partners is conditionally designated an Eligible Telecommunications Carrier throughout the Designated Areas listed in Attachment 1. This ETC designation is for federal universal service funds, and is based on federal rules and guidelines as they exist today. Likewise, should the Universal Service Administrative Company or any other agency revise contribution or disbursement requirements that would directly impact the State of Mississippi and its consumers, the Commission retains its jurisdiction to review, modify and/or revoke its designation of Nextel Partners as an ETC. Additionally, should any information supplied by Nextel Partners in this docket be inaccurate, the designation of Nextel Partners as an ETC may be revoked.
- The entire file of the Commission, as well as all responses to all discovery requests of the MPUS, are specially made a part of the record in this matter

This Order is effective as of the date hereof		
SO ORDERED, this the Aut day of Synthemy, 2003.		
Chairman Michael Callahan voted, Vice Chairman Bo Robinson voted;		
Commissioner Nielsen Cochran voted <u>Aye</u>		
MISSISSIPPI PUBLIC SERVICE COMMISSION		
MICHAEL CALLAHAN, Chairman  BO ROBINSON, Vice Chairman  NIELSEN COCHRAN, Commissioner		
ATTEST A TRUE COPY  BRIAN U RAY, Executive Socretary		

### ATTACHMENT 1

# Designated Areas for which Nextel Partners Is Designated As An ETC

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BELLSOUTH CORP BOTNMSMA	BELLSOUTH CORP HPVLMSSU
BELLSOUTH CORP BRHNMSMA	BELLSOUTH CORP HRLYMSMA
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BELLSOUTH CORP CRTHMSMA	BELLSOUTH CORP MAGEMSMA
BELLSOUTH CORP CSVLMSSU	BELLSOUTH CORP MIZEMSMA
BELLSOUTH CORP DFFEMSMA	BELLSOUTH CORP MNASMSMA
BELLSOUTH CORP DKLBMSMA	BELLSOUTH CORP MNDNMSMA
BELLSOUTH CORP EDWRMSDS	BELLSOUTH CORP MNTIMSMA
BELLSOUTH CORP ELVLMSMA	BELLSOUTH CORP MRTNMSMA
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BELLSOUTH CORP YZCYMSMA

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## Before the MISSISSIPPI PUBLIC SERVICE COMMISSION

OCT 2 2003

**FCC - MAILROOM** 

APPLICATION OF NPCR, INC. d/b/a NEXTEL PARTNERS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER UNDER 47 U.S.C § 214(e)(2)

**DOCKET NO. 03-UA-0256** 

### **ORDER**

COMES NOW the Mississippi Public Service Commission ("Commission") and it appearing to the Commission, for good cause shown and after reviewing the plan of NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners") for utilization for the year 2004. Federal Universal Service Funding ("USF") heretofore submitted to this Commission by Nextel Partners, and this Commission being otherwise sufficiently advised, finds as follows.

Ι

On April 17, 2003, Nextel Partners filed its Application for Designation as an Eligible Telecommunications Carrier ("ETC") under Section 47 U.S.C 214(e)(2). The Commission entered an Order designating Nextel Partners as an ETC on September 29, 2003

Π

On September 29, 2003, Nextel Partners submitted its detailed plan for utilization of the Federal Universal Service Fund for the year 2004 for approval by the Commission. The plan submitted was filed under seal, but generally proposed to maintain and support the existing infrastructure and also expand network services for projected 2004 growth. The Commission finds that Nextel Partner's proposed use of federal universal service.

funds for the year 2004 in Mississippi is consistent with the principles of Universal Service as outlined in the Telecommunications Act of 1996 and by the FCC in its Universal Service Order.

III.

The Commission, after consultation with the Public Utilities Staff, concludes that Nextel Partners' plan for utilization of the Federal Universal Service Fund for the year 2004 is consistent with the Telecommunications Act of 1996 and the pertinent FCC orders

### IT IS THEREFORE, ORDERED.

- The Commission hereby certifies that Nextel Partners' plan to utilize Federal Universal Service High Cost Support Funds in Mississippi as contained in its plan submitted to the Commission on September 29, 2003, is consistent with 47 U S.C 254(e)
- Nextel Partners shall file quarterly reports with the Commission providing the status of universal service fund expenditures and projects. This Order is effective as of the date hereof

Chairman Michael Callahan voted Me, Vice-Chairman Bo Robinson voted Age, and Commissioner Nielsen Cochran voted Age

<sup>&</sup>lt;sup>1</sup> Federal-State Joint Board on Universal Service Ninth Report and Order and Eighteenth Order on Reconsideration, CC Docket No. 96-45. FCC 99-306. Released November 2, 1999 ("Universal Service Order"). See generally paragraphs 93-110.

## SO ORDERED, this the day of September, 2003

MISSISSIPPI PUBLIC SERVICE COMMISSION

BY

MICHAEL CALLAHAN, CHAIRMAN

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BORORINSON VICE-CHAIRMAN

NIELSEN COCHRAN, COMMISSIONER

ATTEST: A TRUE COPY

BRIAN U RAY EXECUTIVE SECRETARY